

165:55-13-2. Unfilled applications

(a) **Record of unfilled applications.** The telecommunications service provider shall keep a complete record of unfilled applications for each exchange, showing the name and address of the applicant, date of application, date service desired, estimated date service was promised, class of service applied for, and reason for failure to give service on a timely basis.

(b) **Priorities of unfilled applications.** Priority in filling unfilled applications will be given to furnishing service essential to public health and service, after which priority will be given to furnishing residential service to premises not otherwise served. The telecommunications service provider will prepare and submit plans for meeting unfilled orders for service and reports of progress thereon as required by the Commission.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96]

PART 3. SERVICE STANDARDS**165:55-13-10. Minimum service standards**

(a) The purpose of this Part is to create a uniform standard governing the minimum component telephone services for all telephone end-users.

(1) Each telecommunications service provider providing local exchange service shall make available to each local exchange end-user within its service territory the following service features:

(A) Individual line service on a local access line at uniform rates for all end-users of a given class within the exchange, i.e., single party service without mileage or zone charges. Any telecommunications service provider whose authorized tariffs on June 13, 1994 allow mileage and/or zone charges for end-users located outside the base rate area shall eliminate these charges in the telecommunications service provider's next general rate review proceeding, unless elimination is provided for under a previous Commission order. If no general rate review proceeding occurs in the time period specified in 165:55-13-13(a) to achieve full compliance, the affected telecommunications service provider shall be allowed to implement revenue neutral tariffs as a result of the elimination of these distance sensitive charges;

(B) Dual tone multi-frequency signaling;

(C) The telecommunications service provider shall install ninety percent (90%) of the following circuits within ninety (90) days of the date of the service order:

(i) Circuits necessary to provide interoffice capability at minimum speeds of fifty-six (56) kilobits per second;

(ii) For RUS borrowers, for RUS loans executed after February 13, 1996, all new facilities will be required, as built or with additional equipment, to provide transmission and reception data at a rate no lower than one (1) megabit per second. The deployment of new facilities shall be scheduled in a way to where advanced services will be implemented in a uniform manner with both rural and nonrural areas receiving services at the same time. New facilities which do not use system powering shall be required to use an alternative powering source for voice telephone service during electrical utility power outages;

(D) Availability of custom calling features (e.g., call waiting, call forwarding, etc.);

(E) Emergency telephone number services capable of automatic number identification, automatic location identification and call routing facilities to facilitate public safety response; e.g., Enhanced 911 Service, where the local government agency serving the end-user has in place a Public Safety Answering Point;

(F) Link-up Program;

(G) Equal access to interexchange long-distance services;

(H) Access to telecommunications relay services;

(I) Access to directory assistance service; and,

(J) Access to operator services.

(2) Any telephone company incapable of providing the technologies and service

features listed in (a)(1)(F) and (a)(1)(G) of this Section at the date of the amendment of this Section shall begin immediate efforts to attain compliance with this Section and shall file network development schedules with the Commission pursuant to this Part.

(3) Upon replacement of facilities incapable of providing the technologies and service feature listed in this Chapter at the date of the effectiveness of this Section, the telecommunications service provider shall replace such facilities with those technologies capable of providing Custom Local Area Signaling Services (CLASS).

(4) Incumbent LECs that incur additional investment as a result of this Part may seek recovery through a general review of the company's rates for regulated telecommunications services.

(b) This Part is not intended to supersede the currently effective rates or prescribe prospective rates for telecommunications services affected by this Part with the exception of mileage and/or zone charges which shall be treated as provided by this Part.

[Source: Amended at 11 Ok Reg 2585, eff 6-13-94; Amended at 13 Ok Reg 2437, eff 7-1-96]

165:55-13-10.1. Calling areas

(a) Wide Area Calling Plans ("WACPs") and Extended Area Service ("EAS") arrangements established as of the effective date of this Section, and any modifications thereafter approved by the Commission, shall be the standard level of service provided by all incumbent LECs providing service within said WACPs and EAS arrangements, unless the end-user elects otherwise pursuant to subsection (b) of this Section.

(b) An incumbent LEC may offer a calling scope which is different than an established WACP or EAS arrangement as an optional service, after notice and hearing, provided however, that end-users shall be deemed to have elected to receive the entire EAS or WACP area until such time as the end-user makes an affirmative election of a different calling scope.

(c) Any competitive LEC may elect to offer service to a calling area which includes all or a portion of a WACP or EAS arrangement, after notice and hearing.

(d) In the event the competitive LEC provides an optional toll service that is consistent with an EAS or WACP calling scope, the competitive LEC shall be required to pay any contribution associated with minutes of use as established by the Commission in Order No. 399040, issued in Cause Nos. PUD 950000117 and PUD 950000119.

[Source: Added at 13 Ok Reg 2437, eff 7-1-96]

OAC 165:55

CORPORATION COMMISSION

165:55-13-11. Maximum number of parties on one line [REVOKED]

[Source: Revoked at 13 Ok Reg 2437, eff 7-1-96]

165:55-13-12. Extension of facilities

(a) A Carrier of Last Resort will extend its distribution plant to furnish permanent service to any applicant located within one-quarter ($1/4$) mile of its existing facilities without requiring a construction charge, provided that the amount of plant to be constructed does not exceed that amount deemed necessary to serve the end-user's location. When an end-user requests services requiring an excessive quantity of facilities which will have extremely little potential for reuse, should that end-user move or otherwise discontinue service, a construction charge based on the cost of the facilities would apply.

(b) A Carrier of Last Resort shall extend its distribution plant to applicants in an area located more than one-quarter ($1/4$) mile from its existing facilities under the following conditions:

(1) New extensions or reinforcement of existing line facilities required for furnishing access lines associated with the service offered by a Carrier of Last Resort shall be constructed under the following conditions, when application is by an individual end-user or a developer for service of a permanent nature:

(A) An allowance of a one-quarter ($1/4$) mile, route measurement, per applicant will be made for such extensions without the application of a construction charge.

(B) Where construction is required in excess of the allowance stated in subparagraph (b)(1)(A) of this Section, applicants for service may be required to pay a construction charge for all reasonable costs in excess of the free allowance.

(C) A Carrier of Last Resort may make, at its option, an extension of its facilities above the free limit upon receipt of a lesser payment, or no payment, when the gross anticipated revenue from the extension will provide a Carrier of Last Resort with adequate return upon its investment pursuant to a formula approved by the Commission or contained in its approved terms and conditions of service.

(D) Additional charges may be applicable where natural or other barriers are encountered which require undue circuitous routing or abnormal costs to be incurred by a Carrier of Last Resort.

(E) When a Carrier of Last Resort requires a charge for the extension of facilities into an area more than one-quarter ($1/4$) mile from its existing facilities, the end-user(s) may apply to be provided telecommunications services by a Carrier of Last Resort providing service an adjacent certified area, if the Commission so orders. This subparagraph shall be limited to situations where a Carrier of Last Resort will not provide service to an area located within its service territory without the payment of construction charges.

(2) Nothing in this Chapter shall prohibit any RUS borrower from making extensions in compliance with RUS rules or terms and conditions contained in any loan documents.

(c) In lieu of extensions of telephone service pursuant to subsection (a) of this Section, the Carrier of Last Resort may require a developer desiring an extension to a prospective real estate subdivision to post a surety bond or make a cash deposit or bank letter of credit (at the option of the developer) equal to the estimated total costs of the extension before the construction of the extension is commenced. Total cost of construction shall not

include drops to individual users off the telephone distribution facilities. In the event the developer chooses to post a surety bond or bank letter of credit, there shall be added to the principal amount of the surety bond or bank letter of credit, an amount equal to the most recent average embedded debt cost of the Carrier of Last Resort on file with the Commission. At least annually, for a period of five (5) years, the Carrier of Last Resort shall give the developer a credit equal to the percentage which the number of installations made in said twelve (12) months period bears to seventy-five percent (75%) of the total number of installations contemplated by the developer and the Carrier of Last Resort for the completed subdivision. The credit referred to in this Chapter, in the case of deposit, shall be returned to the developer annually; with respect to a surety bond posted by the developer, the credit shall be in the form of an annual reduction of the face amount of the surety bond posted. Upon the developer receiving the applicable credit for each installation as set forth in this Chapter, the Carrier of Last Resort shall release or cause to be released the obligation of the developer and the surety, if a surety bond was posted; provided, however, if within five (5) years from the date of the surety bond or cash deposit, the proposed development area has not been developed in a sufficient amount for the developer to receive credit for the total cost of extension to the development as agreed upon, then the developer shall be obligated to pay the Carrier of Last Resort the total construction costs reduced by all credits previously allowed. In the event that said amount is not paid within sixty (60) days of the date due and a surety bond has been posted, the Carrier of Last Resort may declare a default and shall have the right to call upon the surety for payment of the remaining unpaid amount due. In the event of dispute over the circumstances requiring the posting of a surety bond or cash deposit, and/or the reasonableness of the face amount of such bond or cash deposit, a Carrier of Last Resort or the developer may apply to the Commission for an appropriate order resolving the dispute.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96]

165:55-13-13. Network development schedules

(a) By June 8, 1994, each incumbent LEC shall submit a statement to the Director of the Public Utility Division stating the company's compliance with the minimum service standards or the company shall submit a network development schedule detailing the company's commitment to achieve full compliance with the minimum service requirements of OAC 165:55-13-10 by the end of two (2) years, following the effective date of OAC 165:55-13-10. The network development schedule shall include the following elements:

- (1) Annual targets for the elimination of multiparty service and mileage and zone charges.
- (2) Annual targets for the availability of dual tone multifrequency signaling.
- (3) Annual targets for the availability of custom calling features.
- (4) Annual targets for the ubiquitous availability of emergency telephone number services.

(b) Each incumbent LEC shall submit reports to the Director of the Public Utility Division on a semiannual basis demonstrating the company's progress toward full compliance with the requirements of OAC 165:55-13-10.

(c) By August 15, 1996, each incumbent LEC shall submit a statement to the Director of the Public Utility Division stating the company's compliance with the minimum service standards set forth in OAC 165:55-13-10 (a)(1)(F) and OAC 165:55-13-10 (a)(1)(G) or the company shall submit a network development schedule detailing the company's commitment to achieve full compliance with the minimum service requirements of OAC 165:55-13-10 (a)(1)(F) and OAC 165:55-13-10 (a)(1)(G) by July 1, 1998. The network development schedule shall include the following elements:

- (1) Annual targets for the availability of equal access to interexchange long-distance service.
- (2) The date that the Link-up Program will be available to all end-users.

(d) Each incumbent LEC shall submit reports to the Director of the Public Utility Division on a semiannual basis demonstrating the company's progress toward full compliance with the requirements of OAC 165:55-13-10 (a)(1)(F) and OAC 165:55-13-10 (a)(1)(G).

(e) The Director of the Public Utility Division may require additional reports regarding network development and network capabilities to be submitted by each telecommunications service provider.

[Source: Amended at 11 Ok Reg 2585, eff 6-13-94; Amended at 13 Ok Reg 2437, eff 7-1-96]

165:55-13-14. Lifeline service

Each telecommunications service provider shall offer end-users a program designed to achieve a full end-user common line waiver for qualifying end-users. The program shall comply with the provisions of 47 C.F.R. § 69, 104(k)(1) and shall be limited to end-users who are eligible for or receive assistance or benefits under the Link-up America Program or pursuant to requirements established by the Department of Human Services or the appropriate state agency charged with administering public assistance programs.

[Source: Added at 11 Ok Reg 2585, eff 6-13-94; Amended at 13 Ok Reg 2437, eff 7-1-96]

PART 5. SERVICE QUALITY STANDARDS**165:55-13-20. Responsibility for adequate and safe service**

- (a) A telecommunications service provider is responsible for providing adequate and efficient telephone service to every end-user served by it.
- (b) A telecommunications service provider that uses its own local exchange facilities to provide service shall install and maintain its system so as to render safe, efficient, and continuous service and shall keep all of its lines, equipment, and facilities in a good state of repair.
- (c) The recommendations contained in the National Electrical Code (NEC) Manual 1993 Edition and the National Electrical Safety Code (NESC) 1993 Edition are hereby adopted as the minimum standards governing the installation, construction, and maintenance of communication lines. Local and municipal electrical codes shall not apply to the installation of telecommunications facilities.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96]

OAC 165:55

CORPORATION COMMISSION

165:55-13-21. Incorporated national standards [REVOKED]

[Source: Revoked at 13 Ok Reg 2437, eff 7-1-96]

165:55-13-22. Emergencies

(a) All telecommunications service providers shall make adequate provision for emergencies in order to prevent interruption of continuous telecommunications service throughout the area it serves.

(b) Central office(s) shall have an emergency power source, either on the premises or available on short notice.

(1) Central office(s) shall have available emergency standby AC generators to avoid interruption of normal service caused by failure of AC commercial power except when caused by acts of God.

(2) Each central office equipped to serve more than three hundred (300) access lines shall be equipped with a one thousand-four (1,004) Hertz, one (1) milliwatt test signal generator and a nine hundred (900) ohm termination wired to telephone numbers. The numbers assigned for these test terminations shall be readily determinable.

[Source: Amended at 10 Ok Reg 2651, eff 6-25-93; Amended at 13 Ok Reg 2437, eff 7-1-96]

165:55-13-23. Adequacy of service

The telecommunications service provider shall ensure that there is a sufficient operating force and, where appropriate, sufficient equipment to meet the following service objectives and minimum standards.

- (1) Toll calls: Objective – ninety percent (90%) answered within ten (ten) seconds; minimum – eighty percent (80%) answered within ten (10) seconds.
- (2) Directory assistance: Objective—eighty-five percent (85%) answered within ten (10) seconds; minimum—seventy-five percent (75%) answered within ten (10) seconds.
- (3) Repair and trouble calls: Objective—eighty-five percent (85%) answered within twenty (20) seconds; minimum—seventy-five percent (75%) answered within twenty (20) seconds.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96]

165:55-13-24. Adequacy of equipment

A telecommunications service provider shall, where appropriate, install sufficient equipment and ensure that there are sufficient personnel to handle the average busy hour, busy season traffic, and to meet the following minimum standards at that period.

- (1) Dial tone: Ninety-five percent (95%) within three (3) seconds.
- (2) Completion of calls: Ninety percent (90%) without encountering an all trunks, busy condition within the central office.
- (3) Local interoffice trunks: Ninety-five percent (95%) of calls offered to the group will not encounter an all trunks busy condition.
- (4) Intrastate toll connecting trunks; Ninety-seven percent (97%) will not encounter an all trunks busy condition.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96]

PART 7. TRANSMISSION OBJECTIVES**165:55-13-30. Accepted transmission design factors**

All voice grade interoffice trunk facilities shall conform to accepted transmission design factors and shall be maintained to meet the following objectives when measured from the line terminals of the originating central office to the line terminals of the terminating central office:

- (1) **Interoffice local calls.** Excluding calls between central offices in the same building, ninety percent (90%) of the measurements should be from two (2) to ten (10) decibels loss at 1000+/-20 Hertz and no more than thirty (30) decibels above reference noise level ("C" message weighting).
- (2) **Access facility.** Ninety percent (90%) of the transmission measurements should be from three (3) to twelve (12) decibels loss at 1000+/-20 Hertz and no more than thirty-three (33) decibels above reference noise level ("C" message weighting).

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96]

165:55-13-31. Access lines

All newly constructed and rebuilt access lines shall be designed for a transmission loss of no more than eight (8) decibels at 1004 Hertz from the central office to the network interface excluding central office loss. All access lines shall be maintained so that transmission loss does not exceed ten (10) decibels.

PART 9. LOCATION OF DEMARCATION POINTS AND NETWORK INTERFACES**165:55-13-40. Location of demarcation points and network interfaces**

(a) **Simple residence and business locations.** The normal demarcation point for simple residence and business locations will be the network interface. The network interface normally will be located on the exterior of a building, or inside the building if the interface device can not be provided on the exterior of the building.

(b) **Other buildings.** The normal demarcation point for regulated services offered by any telecommunications service provider in buildings commenced after June 30, 1992, will be at or near the point of minimum penetration. The point of minimum penetration is the location where the telecommunications service provider's regulated facilities enter the building, subject to an agreement to the contrary. The actual demarcation point in new buildings shall be located as close to the point of minimum penetration as appropriate environmental protection and space requirements allow. The telecommunications service provider will normally terminate its regulated services by placing an FCC approved network interface at the demarcation point.

(c) **Campuses.** The normal demarcation point for regulated services offered by telecommunications service providers in campuses commenced after June 30, 1992, will be in one of the buildings on the campus at or near the point of minimum penetration. The point of minimum penetration is the location where the telecommunications service provider's regulated facilities enter the building. The actual demarcation point in the building shall be located as close to the point of minimum penetration as appropriate environmental protection and space requirements allow. Telecommunications service providers will normally terminate their regulated services by placing an FCC-approved network interface at the demarcation point.

(d) **Apartment building.** The demarcation point for residential service in residential apartment buildings or high-rise apartment buildings may be placed at each individual living unit or at a central location within each building if adequate security is available.

(e) **Other demarcation points.** The point(s) of demarcation may be at a location(s) different than set forth in this Section if mutually agreed between the end-user and the telecommunications service provider.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96]

PART 11. INTERRUPTIONS OF SERVICE**165:55-13-50. Service standards; sufficient operating and maintenance force**

A telecommunications service provider shall maintain an operating and maintenance force sufficient to meet service objectives and minimum standards for restoration of service after interruption as follows:

- (1) Provisions will be made to receive customer trouble reports at all times, twenty-four (24) hours per day.
- (2) Provision will be made to correct interruptions of service to persons and agencies required to respond to emergencies involving human life and safety at all times, consistent with the bona fide needs of the end-user and the availability and safety of telecommunications service provider personnel.
- (3) It will be a service objective to correct ninety percent (90%) of the interruptions of service, except emergency service, on the next working day after the interruption was reported or discovered.
- (4) It will be a service objective that the total number of customer trouble reports in each exchange does not exceed twelve (12) per one hundred (100) working network access lines per month in an exchange of three hundred (300) or fewer network access lines and nine (9) reports per one hundred (100) network access lines per month in an exchange of three hundred-one (301) to two thousand (2,000) network access lines and seven (7) per one hundred (100) network access lines per month in an exchange with two thousand - one (2001) or more network access lines. The service objective will be met unless there is an excessive number of trouble reports in a particular exchange for three (3) consecutive months rolling average. Trouble caused by CPE or customer-owned inside wiring shall not be included in these calculations.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96]

165:55-13-51. Records of trouble reports

Each telecommunications service provider shall maintain a complete written record of all customer trouble reports of service-affecting defects in telecommunications service provided by that telecommunications service provider. The records shall identify the end-user or service affected, the time and date of the report, the nature of the defect reported, the action taken to correct the trouble, the date and time of trouble clearance or other disposition. Each telecommunications service provider shall make a full and prompt investigation of every trouble report made to it by its end-users, either directly or through the Commission. It shall keep a record of each trouble report received. Each record shall show the name and address of the reporting end-user, the date and character of the trouble reported, and the adjustment or disposal made thereof, which record shall be retained for two (2) years. Records shall be kept of all trouble reports as defined by this Chapter.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96]

165:55-13-52. Notice of service interruptions

(a) The Commission shall be notified, through the Director of the Consumer Services Division, of interruptions in telecommunications services which affect the entire system; a major division thereof; or which, in the judgment of the telecommunications service provider, may cause a high degree of public interest or concern.

(b) The Commission notification process required in subsection (a) of this Section, may be accomplished by facsimile, twenty-four (24) hours a day, seven (7) days a week; or by phone, during the business hours of 8:00 a.m. through 4:30 p.m., Monday through Friday, and should consist of the following:

- (1) An initial contact to advise of the outage; the cause of such outage; the area affected; and, the estimated time for repair;
- (2) Intermediate contact to provide status reports, as deemed necessary by the telecommunications service provider, or as may be requested by the Commission Staff; and,
- (3) A conclusory contact detailing the results and completion of the restoration of service.

[Source: Amended at 13 Ok Reg 2437, eff 7-1-96]

three (3) hours of battery reserve and adequate provision for emergency power. In offices without installed emergency power facilities, there shall be a mobile power unit available which can be delivered and connected on short notice. In exchanges exceeding five thousand (5000) lines, a permanent auxiliary power unit shall be installed.

(9) Each telephone utility shall adopt and pursue a maintenance program aimed at achieving efficient operation of its system to provide for safe and adequate service at all times. Maintenance shall include proper repair and adjustment of all plants and equipment and the adequate service performance of the plant affected, such as—

(A) Broken, damaged or deteriorated parts which are no longer serviceable shall be repaired or replaced;

(B) Adjustable apparatus and equipment shall be readjusted when found to be in an unsatisfactory operating condition; and

(C) Electrical faults, such as leakage or poor insulation, noise induction, crosstalk or poor transmission characteristics shall be corrected to the extent practicable.

(10) Each utility shall adopt a program of periodic tests, inspections and preventive maintenance aimed at achieving efficient operation of its system and the rendition of adequate service.

(11) Each utility shall maintain or have access to test facilities enabling it to determine the operating and transmission capabilities of all equipment and facilities, both for routine maintenance and for trouble location. The actual transmission performance of the network shall be monitored to determine if the established objectives and operating requirements are met. This monitoring function shall consist of circuit order tests prior to placing trunks in service, routine periodic trunk maintenance tests, tests of actual switched trunk connections, periodic noise tests of a sample of customer loops in each exchange and special transmission surveys of the network.

(12) In the event that service must be interrupted for purposes of working on the lines or equipment, the work shall be done in a manner which will cause minimal inconvenience to customers, except in emergency situations. Each utility shall attempt to notify each affected customer in advance of an extended interruption. Emergency service shall be available, as required, for the duration of such interruption.

*Auth: sections 386.040, 386.250, 386.310 and 392.200, RSMo (1986). * Original rule filed Dec. 11, 1975, effective Dec. 23, 1975. Amended: Filed Nov. 12, 1976, effective May 20, 1977. Amended: Filed March 15, 1978, effective Oct. 2, 1978.*

**Original authority: 386.040, RSMo (1939); 386.250, RSMo (1939), amended 1963, 1967, 1977, 1980, 1987, 1988, 1991; 386.310, RSMo (1939), amended 1979, 1989; and 392.200, RSMo (1939), amended 1987, 1988.*

4 CSR 240-32.070 Quality of Service

PURPOSE: This rule sets forth the standards for quality of service by the telephone utility.

(1) Each telephone utility shall provide telecommunications service to the public in its service area in accordance with its tariffs on file with the commission. The telephone utility shall adhere to the standards prescribed by the commission, but the normal operating procedures and practices, as presented by the commission and directed by the utility, are not intended to govern the implementation or execution of those procedures and practices in individual instances. The execution or nonexecution of those procedures and practices in individual instances is not indicative of whether the utility has provided adequate service to a particular subscriber or group of subscribers.

(2) The telephone utility shall employ prudent management and engineering practices including the employment of reliable procedures for forecasting future demand for service and shall conduct studies and maintain records so that reasonable margins of facilities and adequate personnel are available to meet the service quality objectives described in this rule.

(3) Each utility shall make traffic studies and maintain records required to determine the equipment and operating personnel necessary to maintain an acceptable quality of service at all times including the average busy hour, busy season.

(4) In each exchange, the utility shall provide at least one (1) coin telephone available to the public at all hours. The telephone shall be prominently located, properly maintained, equipped with dialing instructions and a local directory and lighted at night.

(5) Each utility shall maintain adequate personnel to comply with the average operator answering performance specified. All operator

handled calls shall be carefully supervised and timed, if required.

(6) Each utility shall provide for the receipt of customer trouble reports at all hours and make a full and prompt investigation of all complaints. The utility shall maintain an accurate record of trouble reports made by its customers. This record shall include appropriate identification of the customer, of service affected, the time, date and nature of the report, the action taken to clear the trouble or satisfy the complaint and the date and time of trouble clearance or other disposition. This record shall be available to the commission or its authorized representatives upon request at any time within the period prescribed for retention of those records.

(7) The utility shall attempt to clear all trouble of a *bona fide* emergency nature at all hours, consistent with the needs of customers and the personal safety of utility personnel.

*Auth: sections 386.040, 386.250, 386.310 and 392.200, RSMo (1986). * Original rule filed Dec. 11, 1975, effective Dec. 23, 1975.*

**Original authority: 386.040, RSMo (1939); 386.250, RSMo (1939), amended 1963, 1967, 1977, 1980, 1987, 1988, 1991; 386.310, RSMo (1939), amended 1979, 1989; and 392.200, RSMo (1939), amended 1987, 1988.*

4 CSR 240-32.080 Service Objectives and Surveillance Levels

PURPOSE: This rule establishes service objectives which should generally be provided by a utility and surveillance levels which indicate a need for investigation and corrective action on the part of the telephone utility.

(1) Each utility shall make periodic measurements to determine the level of service for each applicable item; provided, currently installed or available equipment is capable of making the measurements. A utility which is unable to make periodic measurements on every applicable item is expected to ultimately comply with this standard as economic and technological constraints are removed.

(2) The service objective and surveillance level for regular service orders are—

(A) The service objective is that ninety percent (90%) of the utility's regular service order installations shall normally be completed within five (5) working days from the receipt of application except for customer-caused delays, such as no access or acts of God,



or unless a later date is requested by the applicant; and

(B) The surveillance level is that completion of less than eighty-five percent (85%) on a continuing basis indicates a need for investigation and corrective action.

(3) The service objective and surveillance level for regrade orders are—

(A) The service objective is that ninety percent (90%) of regrade orders not requiring substantial construction shall normally be completed no later than thirty (30) days after the customer has made application for a different grade of service except where the customer requests a later date. If the utility is unable to provide the grade of service requested within the specified time, the customer will be given an approximate date when it will be available; and

(B) The surveillance level is that failure to complete eighty-five percent (85%) of regrade orders on a continuing basis indicates a need for investigation and corrective action.

(4) The service objective and surveillance level for installation commitments are—

(A) The service objective is that ninety percent (90%) of the utility's commitments to customers as to the date of regular service order installations shall be met except for customer-caused delays such as no access and acts of God; and

(B) The surveillance level is that a continuing rate of less than eighty-eight percent (88%) and indicates a need for investigation and corrective action.

(5) The service objectives and surveillance level for operator handled calls are—

(A) For toll and assistance (cordboard) calls, the service objective is that eighty-nine percent (89%) or equivalent index of calls shall be answered within ten (10) seconds; and

(B) The surveillance level for toll and assistance (cordboard) calls that answer within ten (10) seconds on less than eighty-three percent (83%) or equivalent index of calls on a continuing basis indicates a need for investigation and corrective action;

(C) The service objective for automated operator position toll and assistance calls is that the average answering time shall be 2.8 seconds or equivalent index; and

(D) The surveillance level for automated operator position toll and assistance calls is that an average answering time greater than four (4) seconds or an equivalent index on a continuing basis indicates a need for investigation and corrective action.

(6) The service objective and surveillance level for repair service and business office are—

(A) The service objective is that ninety percent (90%) of repair service and business office calls, where measurements are normally made, shall be answered within twenty (20) seconds or equivalent index; and

(B) The surveillance level is that an answer within twenty (20) seconds or equivalent index on less than eighty-five percent (85%) of calls, on a continuing basis indicates a need for investigation and corrective action.

(7) The service objective and surveillance level of local dial service are—

(A) For a dial tone, the service objective is to have a dial tone within three (3) seconds on ninety-seven percent (97%) of calls;

(B) The surveillance level for a dial tone is that dial tone within three (3) seconds on less than ninety-five percent (95%) of calls measured on a continuing basis indicates a need for investigation and corrective action;

(C) The service objective for the completion rate is the completion of ninety-seven percent (97%) of locally dialed calls without encountering a blockage or equipment busy condition; and

(D) The surveillance level for the completion rate on local calls is that a completion rate below ninety-four percent (94%) on a continuing basis indicates a need for investigation and corrective action.

(8) The service objective and surveillance level for interoffice trunks are—

(A) The service objective for the completion rate is the completion of ninety-six percent (96%) of properly dialed interoffice calls without encountering a blockage or equipment busy condition; and

(B) The surveillance level for the completion rate on interoffice calls is that a completion rate below ninety-five percent (95%) on a continuing basis indicates a need for investigation and corrective action.

(9) For direct distance dial service, the service objective and surveillance level are—

(A) The service objective is a completion of ninety-seven percent (97%) of properly dialed direct distance calls without encountering blockage on outgoing trunks; and

(B) The surveillance level is a completion rate below ninety-five percent (95%) on outgoing trunks on a continuing basis indicates a need for investigation and corrective action.

(10) For customer trouble reports (excluding inside wire and customer premises equipment), the service objective and surveillance level are—

(A) The service objective on the frequency of occurrence of trouble reports is that the average monthly rate of all customer trouble

reports shall not exceed eight and one-half (8 1/2) per one hundred (100) access lines per month; and

(B) The surveillance level on the frequency of occurrence of trouble reports is that a customer trouble report rate of more than ten (10) per one hundred (100) access lines per month by exchange on a continuing basis indicates a need for investigation and corrective action.

(11) For clearing time of customer trouble reports (excluding inside wire and customer premises equipment), the service objective and surveillance levels are—

(A) The service objective of the clearing time of customer trouble reports is that eighty-five percent (85%) of out-of-service trouble not requiring unusual repair shall be cleared within twenty-four (24) hours from the time the report is received by the utility; and

(B) The surveillance level for a clearing time of customer trouble reports is that a failure to clear eighty percent (80%) or more of trouble reports within twenty-four (24) hours on a continuing basis indicates a need for investigation and corrective action.

(12) For commitments to customers, the service objective and surveillance level are—

(A) The service objective of ninety percent (90%) of a utility's commitments to its customers for clearing trouble shall be kept, except for customer-caused delays such as no access, or acts of God, or unless a later date is requested by the applicant. If unusual repair or other factors preclude prompt clearing of reported trouble, reasonable efforts shall be made to notify affected customers; and

(B) The surveillance level of failure to keep eighty-five percent (85%) of the commitments to customers on a continuing basis indicates a need for investigation and corrective action.

*Auth: sections 386.040, 386.250, 386.310 and 392.200, RSMo (1986). * Original rule filed Dec. 11, 1975, effective Dec. 23, 1975. Amended: Filed Dec. 12, 1977, effective July 13, 1978. Amended: Filed Aug. 13, 1984, effective Nov. 15, 1984.*

**Original authority: 386.040, RSMo (1939); 386.250, RSMo (1939), amended 1963, 1967, 1977, 1980, 1987, 1988, 1991; 386.310, RSMo (1939), amended 1979, 1989; and 392.200, RSMo (1939), amended 1987, 1988.*

4 CSR 240-32.090 Connection of Equipment to the Telephone Network

PURPOSE: The Public Service Commission has authority to establish rules concerning telecommunications

(telephone service). This rule sets forth certain criteria applicable to equipment connected to the telephone network by customers, in order to assure safe and adequate telephone service. Automated dialing-announcing devices used for solicitation purposes, where a called party cannot terminate the connection with the calling party may prevent the rendering of safe and adequate service.

(1) Automated Dialing-Announcing Devices. No telephone utility shall knowingly permit connection to or operation over the telephone network of an automated dialing-announcing device used for solicitation purposes where calls initiated by the device cannot be terminated at will by the called party and dial tone restored to the called party promptly upon termination of the call by the called party. Any prerecorded message issued by an automated dialing-announcing device shall be preceded by an announcement which states the name and address of the calling party, the purpose of the message and that the message is coming from automated equipment.

*Auth: sections 386.040, 386.250, 386.310 and 392.200, RSMo (1986). * Original rule filed July 13, 1978, effective Jan. 13, 1979.*

**Original authority: 386.040, RSMo (1939); 386.250, RSMo (1939), amended 1963, 1967, 1977, 1980, 1987, 1988, 1991; 386.310, RSMo (1939), amended 1979, 1989; and 392.200, RSMo (1939), amended 1987, 1988.*

4 CSR 240-32.100 Provision of Basic Local and Interexchange Telecommunications Service

PURPOSE: This rule prescribes the minimum technologies and service features constituting basic local and interexchange telecommunications service as provided by local exchange telecommunications companies.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) This rule shall apply to the provision of basic local and interexchange telecommunications service by local exchange telecommunications companies.

(2) The following technologies and service features shall constitute the minimum necessary elements for basic local and interexchange telecommunications service:

- (A) Individual line service;
- (B) Availability of dual tone multifrequency signaling;
- (C) Electronic switching with Enhanced 911 (E-911) access capability or an enhanced version thereof;
- (D) Digital interoffice transmission between central office buildings, excluding analog private line service;
- (E) Penetration of the International Telephone and Telegraph Consultative Committee's Signaling System Number Seven (CCITT SS7), or an enhanced version thereof, down to the tandem level of the switching hierarchy;
- (F) Availability of custom calling features including, but not limited to, call waiting, call forwarding, three (3)-way calling and speed dialing; and
- (G) Equal access in the sense of dialing parity and presubscription among interexchange telecommunications companies for calling between Local Access and Transport Areas (interLATA presubscription).

(3) Within one hundred eighty (180) days (June 1, 1993) of the effective date of this rule (December 3, 1992), all local exchange telecommunications companies shall submit to the telecommunications department of the commission three (3) plans for satisfying the minimum necessary elements of basic local and interexchange telecommunications service as set forth in section (2) of this rule. The first of these plans shall set targets to satisfy this rule within three (3) years, the second plan shall set targets to satisfy this rule within five (5) years and the third plan shall set targets to satisfy this rule within seven (7) years. An additional plan which the company considers is optimal in light of its individual business circumstances may be submitted to satisfy the elements set forth in section (2). These plans shall include the following:

(A) Additional capital expenditures and current expenses, including increased depreciation, amortization expenses, or both, that would be incurred annually over and above what would be needed in the absence of a requirement to satisfy the minimum necessary elements of basic local and interexchange telecommunications service;

(B) Annual targets in terms of exchange access lines for the elimination of party line service;

(C) Annual targets in terms of exchange access lines for the replacement of electromechanical switches and the modification of electronic switches;

(D) Annual targets in terms of exchange access lines for the availability of dual tone multifrequency signaling, custom calling features and E-911 access capability;

(E) Annual targets in terms of specific routes for the elimination of analog interoffice transmission systems;

(F) The quarter and year that CCITT SS7 will become operational at each tandem; and

(G) Annual targets for the number of exchange access lines that will be subject to interLATA presubscription according to the process described in section (4) of this rule.

(4) The equal access presubscription and processes shall be conducted in accordance with the requirements of the Federal Communications Commission (FCC) as set forth in 101 FCC2d 917 (1985), 101 FCC2d 935 (1985) and 102 FCC2d 505 (1985). Copies of the FCC orders may be obtained by contacting the Telecommunications Department of the Missouri Public Service Commission at P.O. Box 360, Jefferson City, MO 65102.

(5) Upon receipt of the plans pursuant to section (3), the commission will establish a docket setting a schedule under which the staff will review each plan and make a recommendation to the commission either to a) approve a joint stipulation for implementation by the company or b) set the matter for hearing on the adequacy of that company's existing telecommunications facilities and plans.

(6) Upon proper application and after due notice, the commission may waive any provision of this rule for good cause shown.

*Auth: sections 386.040, 386.250, 386.310, 392.200, 392.240 and 392.250, RSMo (Cum. Supp. 1990). * Original rule filed Dec. 31, 1991, effective Dec. 3, 1992.*

**Original authority: 386.040, RSMo (1939); 386.250, RSMo (1939), amended 1963, 1967, 1977, 1980, 1987, 1988, 1991; 386.310, RSMo (1939), amended 1979, 1989; and 392.200, RSMo (1939), amended 1987, 1988; 392.240 and 392.250, RSMo (1939), amended 1987.*

§23.61 Telephone Utilities.

- (a) **Definitions.** The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise:
- (1) **Base rate area** — A specific area within an exchange area as set forth in the DCTUs' tariffs, maps or descriptions. Local exchange service within this area is furnished at uniform rates without extra mileage charges.
 - (2) **Baud** — Unit of signaling speed. Speed expressed in baud is the number of discrete conditions or signal elements per second.
 - (3) **Bit Error Ratio** — Bit Error Ratio (BER) is the ratio of the number of bits received in error to the total number of bits transmitted in a given time interval.
 - (4) **Bit Rate** — The rate at which data bits are transmitted over a communications path, normally expressed in bits per second. The bit rate is not to be confused with the data signaling rate (baud), which measures the rate of signaling elements being transmitted.
 - (5) **Busy hour** — The clock hour each day during which the greatest usage occurs.
 - (6) **Busy season** — That period of the year during which the greatest volume of traffic is handled in the office.
 - (7) **Complex service** — The provision of a circuit requiring special treatment, special equipment, or special engineering design. This includes private lines, WATS, PBX trunks, rotary lines, special assemblies, etc.
 - (8) **Customer trouble report** — Any oral or written report from a customer or user of telecommunications service received by any telecommunications utility relating to a physical defect, difficulty, or dissatisfaction with the service provided by the telecommunications utility's facilities. A separate report shall be counted for each telephone or PBX switchboard position reported in trouble when several items are reported by one customer at the same time, unless the group of troubles so reported is clearly related to a common cause.
 - (9) **dBrn** — A unit used to express noise power relative to one Pico watt (-90 dBm).
 - (10) **dBrnC** — Noise power in dBrn, measured with C-message weighting.
 - (11) **dBrnCO** — Noise power in dBrnC referred to or measured at a zero transmission level point.
 - (12) **Grade of service** — The number of customers a line is designated to serve.
 - (13) **Impulse Noise** — Any momentary occurrence of the noise on a channel significantly exceeding the normal noise peaks. It is evaluated by counting the number of occurrences that exceed a threshold. This noise degrades voice and data transmission.
 - (14) **Intercept service** — A service arrangement provided by the local exchange carrier whereby calls placed to a disconnected or discontinued telephone number are intercepted and the calling party is informed by an operator or by a recording that the called telephone number has been disconnected, or discontinued, or changed to another number, or that calls are being received by another telephone, etc.
 - (15) **Local message charge** — The charge that applies for a completed telephone call that is made when the calling customer access line and the customer access line to which the connection is established are both within the same local calling area, and a local message charge is applicable.
 - (16) **Long distance telecommunications service** — That part of the total communication service rendered by a telecommunications utility which is furnished between customers in different local calling areas in accordance with the rates and regulations specified in the utility's tariff.
 - (17) **Message rate service** — A form of local exchange service under which all originated local messages are measured and charged for in accordance with the utility's tariff.
 - (18) **Nondominant carrier** —
 - (A) An interexchange telecommunications carrier (including a reseller of interexchange telecommunications services).
 - (B) Any of the following that is not a dominant carrier:
 - (i) a specialized communications common carrier,
 - (ii) any other reseller of communications;

- (iii) any other communications carrier who conveys, transmits, or receives communications in whole or in part over a telephone system; or
 - (iv) a provider of operator services who is not a subscriber.
- (19) **Out-of-service trouble report** — An initial customer trouble report in which there is complete interruption of incoming or outgoing local exchange service. On multiple line services a failure of one central office line or a failure in common equipment affecting all lines is considered out of service. If an extension line failure does not result in the complete inability to receive or initiate calls, the report is not considered to be out of service.
 - (20) **Pricing flexibility** — Discounts and other forms of pricing flexibility may not be preferential, prejudicial, or discriminatory. Pricing flexibility includes:
 - (A) customer specific contracts;
 - (B) volume, term, and discount pricing;
 - (C) zone density pricing;
 - (D) packaging of services; and
 - (E) other promotional pricing flexibility
 - (21) **Primary service** — The initial provision of voice grade access between the customer's premises and the switched telecommunications network. This includes the initial connection to a new customer or the move of an existing customer to a new premises, but does not include complex services.
 - (22) **Public telephone service** — An individual line customer service equipped with a coin collecting or coinless public telephone instrument installed for use of the general public in locations where the general public has access to these telephones.
 - (23) **Regrade** — An application for a different grade of service.
 - (24) **Repeated trouble report** — A customer trouble report regarding a specific line or circuit occurring within 30 days or one calendar month of a previously cleared trouble report on the same line or circuit.
 - (25) **Trunk** — A circuit facility connecting two switching systems.
 - (26) **Virtual private line** — Circuits or bandwidths, between fixed locations, that are available on demand and that can be dynamically allocated.
- (b) **Directories.**
- (1) Telephone directories shall normally be published annually, listing the names, addresses, and telephone numbers of all customers, except public telephones and telephone services unlisted at customers' requests.
 - (2) Upon issuance, a copy of each directory shall be distributed for all customer access lines served by that directory and, if requested, one extra copy per customer access line. A copy of each directory shall be furnished to the commission.
 - (3) The name of the local exchange carrier, an indication of the area included in the directory, and the month and the year of issue shall appear on the front cover. Information pertaining to emergency calls such as for the police and fire departments shall appear conspicuously in the front part of the directory pages.
 - (4) The directory shall contain instructions concerning placing local and long distance calls on the network of the company issuing the directory, calls to repair and directory assistance services, and locations and telephone numbers of local exchange carrier business offices as may be appropriate to the area served by the directory. It shall also contain a section setting out sample long distance rates within the long distance service area on the network of the company issuing the directory applicable at the time the directory is compiled for publication with a clear statement that the published rates are effective as of the date of compilation.
 - (5) Each local exchange carrier shall list each customer with directory assistance within 72 hours after service connection (except those numbers not listed at the customer's request) in order that the directory assistance operators can provide the requested telephone numbers based on customer names and addresses.